


AN ORDINANCE

01-D-2010


AN ORDINANCE TO AMEND THE 2001 (AIRPORT PASSENGER FACILITY CHARGE FUND AND AIRPORT RENEWAL & EXTENSION FUND) BUDGETS BY TRANSFERRING TO AND FROM APPROPRIATIONS THE AMOUNT OF \$17,032,262.00 FOR THE PURPOSE OF PARTIALLY REVERSING PAYMENT FOR REIMBURSEMENTS OF EXPENDITURES RELATED TO THE ACQUISITION OF PROPERTIES IN COLLEGE PARK, GA IN CONNECTION WITH THE CLOSING OF THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF COLLEGE PARK AND THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has undertaken a capital improvement program to facilitate major expansion and improvement projects at Hartsfield Atlanta International Airport in accordance with the new Airport Master Plan; and

WHEREAS, to accomplish airport expansion and development, the City of Atlanta entered into an Intergovernmental Agreement with the City of College Park and the College Park Business and Industrial Development Authority that provided for the City of Atlanta to acquire properties lying within the corporate boundaries of College Park, including but not limited to private property, public property, public streets and certain easements held by the City of College Park and or the College Park Business and Industrial Development Authority; and

WHEREAS, the timing of the closing of the Intergovernmental Agreement and fund availability dictated that the source of funding for the City's financial obligation in the amount of \$92,933,969 was the Airport's Renewal & Extension Fund in lieu of its Airport Passenger Facility Charge Fund whose fund balance was inadequate at the time; and

WHEREAS, because the Airport Passenger Facility Charge Fund would have been the proper source of funding for the majority of properties identified in the Intergovernmental Agreement, the City reimbursed its Airport Renewal & Extension Fund the \$92,933,969 advanced to the City of College Park and the College Park Business and Industrial Development Authority during the closing of the Intergovernmental Agreement in 2000 plus \$6,046,862 in lost interest; and

WHEREAS, the City's Department of Aviation inadvertently included in the reimbursement a specific 48.824-acre parcel of land valued at \$10,985,400 associated with the Consolidated Rental Car Project, which should have properly been funded with Renewal & Extension Funds; and

WHEREAS, the City's Department of Aviation has also learned that reimbursement for lost interest is permitted if and only if inter-fund loans can be certified legally enforceable debt by the City under Federal Aviation Administration regulations -- a criteria we cannot meet; and

WHEREAS, the City therefore must now reverse \$17,032,262 (\$10,985,400 in land plus \$6,046,862 in interest) of the original \$98,980,831 reimbursement transfer stipulated in Ordinance 01-O-0835.

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**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1: That appropriations in the Airport Renewal & Extension Fund be transferred as follows:

TRANSFER FROM APPROPRIATIONS

2H21	791001	T11001	Reserve for Appropriation	\$17,032,262.00
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TRANSFER TO APPROPRIATIONS

2H21	762001	R21001	Inter-fund Operations Transfer	\$17,032,262.00
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SECTION 2: That the Chief Financial Officer be and is hereby authorized to pay \$17,032,262.00 from the Airport Renewal & Extension Fund (2H21 562001 R21001) to the Airport Passenger Facility Charge Fund (2H26 492418 B00001).

SECTION 3: That the 2001 (Airport Passenger Facility Charge Fund) Budget be and is hereby amended as follows:

ADD TO ANTICIPATIONS

2H26	692418	B00001	Operations Trans. Fm.	\$17,032,262.00
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ADD TO APPROPRIATIONS

2H26	724001	R21E052096AA	Consultant Prof. Services	\$ 3,300,000.00
2H26	771001	R21E052096AA	Land	<u>\$13,732,262.00</u>
			Total	<u>\$17,032,262.00</u>

SECTION 4: That all ordinances and parts of ordinances in conflict herewith, be and the same are hereby repealed.